

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

TONY DEWAYNE MOORE,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.: 2:07-cv-964-MHT
)	
MIKE MULL, et al.,)	
)	
Defendants.)	

TONY DEWAYNE MOORE,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.: 2:07-cv-974-WKW
)	
MIKE MULL, et al.,)	
)	
Defendants.)	

DEFENDANTS' MOTION TO CONSOLIDATE

COME NOW Coosa County Commission, Coosa County Sheriff Terry Wilson, Coosa County Jail Administrator Mike Mull, and Corrections Officer Ashley Cowart, Defendants in the above-styled cause, and move the Court for an Order consolidating the two above-entitled cases. In support thereof, the Defendants state as follows:

1. The Plaintiff has brought two nearly identical 42 U.S.C. § 1983 actions against identical Defendants. (Compare Exhibit A, Complaint in Case No., 2:07-cv-964-MHT, with Exhibit B, Complaint in Case No., 2:07-cv-974-WKW.)

2. Both cases alleging deliberate indifference to a serious medical need related to hernia surgery and warts on his penis and a claim that the Sheriff is charging an extra penny for stamps. Id.

3. These claims all arise during the same period of incarceration. Id.

4. With the parties being identical and the claims being nearly identical, the two cases are, in fact, the same case and should be consolidated.

WHEREFORE, premises considered, Defendants move for an Order consolidating these cases.

Respectfully submitted this 6th day of December, 2007.

s/Gary L. Willford, Jr.
GARY L. WILLFORD, JR. Bar NO. WIL198
Attorney for Defendants
WEBB & ELEY, P.C.
7475 Halcyon Pointe Drive (36117)
Post Office Box 240909
Montgomery, Alabama 36124
Telephone: (334) 262-1850
Fax: (334) 262-1889

CERTIFICATE OF SERVICE

I hereby certify that on this the **6th** day of **December, 2007**, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that I have mailed a true and correct copy of the foregoing by United States Mail, postage prepaid, to the following non-CM/ECF participant:

Tony Moore
Coosa County Jail
P.O. Box 279
Rockford, Alabama 35136

s/Gary L. Willford, Jr.
OF COUNSEL

EXHIBIT A

Complaint in Case No., 2:07-cv-964-MHT

MD 1

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

2007 OCT 26 A 9:49

Tony Moore - Lupus Patient

Full name and prison name of
Plaintiff(s)

v.

Mike Mull - Administrator
Terry Wilson - Sheriff
The Commission Office
Carlton Bell - Judge
MS Coward - C.O. Office

Name of person(s) who violated your
constitutional rights. (List the names
of all the person.)

DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA.

CIVIL ACTION NO. 2:07cv964 - MHT
(To be supplied by Clerk of U.S. District
Court)

I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? YES ☐ No ☒
- B. Have you begun other lawsuits in state or federal court relating to your imprisonment? YES ☐ NO ☒
- C. If your answer to A or B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff (s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county)

3. Docket number _____
4. Name of judge to whom case was assigned _____
5. Disposition (for example: was the case dismissed? Was it appealed? Is it still pending ?) _____
6. Approximate date of filing lawsuit _____
7. Approximate date of disposition _____

II. PLACE OF PRESENT CONFINEMENT Cassia County Jail

PLACE OR INSTITUTION WHERE INCIDENT OCCURRED A Block on the
Stair And I'm Still Bleeding & Swelling

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

NAME	ADDRESS
1. <u>Mike Mull - Administrator</u>	<u>- P.O. Box 279 Rockford IL 35136</u>
2. <u>Terry Wilson - Sheriff</u>	<u>- P.O. Box 279 Rockford IL 35136</u>
3. <u>The Commission office</u>	<u>- P.O. Box 279 Rockford IL 35136</u>
4. <u>Carlton Teel</u>	<u>- P.O. Box 279 Rockford IL 35136</u>
5. <u>Ms. Coward</u>	<u>- P.O. Box 279 Rockford AL 35136</u>
6. _____	_____

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED 10-10-7 And
10-12-7 And on Until this ~~day~~ Day

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: I Need Herina surgery I'm bleeding & Swelling
out my Rectum Bad

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place and manner and person involved.)

Doctor James And A Doctor from Alex city AL. Stated that I need Surgery! But Mike mull, Terry wilson, Commission office Carlton Teel, and Coward not take this manner serious. I Have surgery paper also.

GROUND TWO: I Have warts on my penis And Doctor James Have on Record And these people Paying Me no Attention

SUPPORTING FACTS: Doctor James Have on Record

GROUND THREE: ^{Sheriff} Terry wilson Selling stamps on the commissary for 42¢ when they cost 41¢

SUPPORTING FACTS: I Have copy of Commissary list

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU.
MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

Herina And warts Surgery Soon AS possible
Cause I'm Hurting very bad

(DR)

25,000,000 Pain And Suffering

Jony Moore

Signature of plaintiff(s)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on *10-21-07*
(Date)

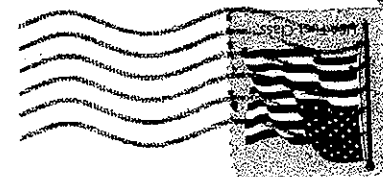
Jony Moore

Signature of plaintiff(s)

Tony Moore
P.O. Box 279
Rockford, AL 35136

BIRMINGHAM AL 350

25 OCT 2007 PM 6 L



COOSA COUNTY JAIL
INMATE MAIL

LEGAL Mail

Middle District of ALABAMA
office of

Clerk, United States District Court
P.O. Box 711

3610130711

Montgomery, AL 36101-0711

EXHIBIT B

Complaint in Case No., 2:07-cv-974-WKW

MD 1

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

RECEIVED

2007 OCT 30 A 9:43

Tony Delwayne Moore

Coosa County Jail

Full name and prison name of
Plaintiff(s)DEBRA P.
U.S. DIS
MIDDLEDEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

v.

Mike Mull
Terry Wilson
Commissioner's Office
Ms. Colvard
Judge TeelCIVIL ACTION NO. 2:07-CV-974-WKW
(To be supplied by Clerk of U.S. District
Court)Name of person(s) who violated your
constitutional rights. (List the names
of all the person.)

I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? YES ☐ No ☒
- B. Have you begun other lawsuits in state or federal court relating to your imprisonment? YES ☐ NO ☒
- C. If your answer to A or B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county)

3. Docket number _____
4. Name of judge to whom case was assigned _____
5. Disposition (for example: was the case dismissed? Was it appealed? Is it still pending ?) _____
6. Approximate date of filing lawsuit _____
7. Approximate date of disposition _____

II. PLACE OF PRESENT CONFINEMENT _____

Coosa County Jail Rockford, AL

PLACE OR INSTITUTION WHERE INCIDENT OCCURRED _____

COUNTY JAIL ROCKFORD, AL

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

	NAME	ADDRESS
1.	<u>Mike Mull</u>	<u>Coosa County Jail</u>
2.	<u>TERRY Wilson</u>	<u>Coosa County Jail</u>
3.	<u>Commissioner's office</u>	<u>Coosa County</u>
4.	<u>Ms. Coward</u>	<u>Coosa County Jail</u>
5.	<u>Judge ^{Carlton} Teel</u>	<u>Coosa County Jail</u> ^{T.D.M.}
6.		

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED _____

10-10-07, 10-12-07

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: Warts on Penis
Dr. John James M.D. has on file

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place and manner and person involved.)

Dr. James, John has on file 10-22-07

Pretending nothing is wrong, don't want to get medical attention. Say they'll send me to Dr. Weaver and he denies the needed assistance ^{some with hernia repair}

GROUND TWO: Hernia Repair + infection 10-27-07

§

SUPPORTING FACTS: ~~Star~~ Statement from Doctor

John James and (Emergency Room) doctor > Both are for needed surgery. Doesn't want to seek attention (medical) for this. Steady giving medication which is causing more pain because it's causing to bleed internally.

GROUND THREE: Terry Wilson selling stamps for 42¢


SUPPORTING FACTS:

Copy of Store list states less. If they are to sell at 42¢ they need to list it as the going price.

This has been ongoing since time of incarceration and he takes nothing less, although store list ^{TDW} says States differently.

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU.
MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

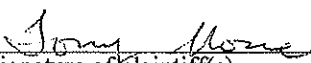
Surgery on Hernia, Warts on
Penis
\$25 million for pain and suffering.



Signature of plaintiff(s)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 26, 2007.
(Date)



Signature of plaintiff(s)

1004 Moore
%Misty Moore
280 Co. Rd 30
Kellyton, AL 35088
35088
35089

BIRMINGHAM AL 350

29 OCT 2007 2:17



USA 41

United States District Court
P.O. Box 711
Montgomery, AL 36101-0711

3610120711

